

Commission Regulation (EC) No 1295/2008 of 18 December 2008
on the importation of hops from third countries (Codified version)

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)⁽¹⁾, and in particular Article 192(2) and Article 195(2), in conjunction with Article 4, thereof,

Whereas:

- (1) Commission Regulation (EEC) No 3076/78 of 21 December 1978 on the importation of hops from non-Member countries⁽²⁾ and Commission Regulation (EEC) No 3077/78 of 21 December 1978 on the equivalence with Community certificates of attestations accompanying hops imported from non-Member countries⁽³⁾ has been substantially amended several times⁽⁴⁾. In the interests of clarity and rationality the said Regulations should be codified.
- (2) Article 158(1) of Regulation (EC) No 1234/2007 provides that hops and hop products from third countries may be imported only if their quality standards are at least equivalent to those adopted for like products harvested within the Community or their derivatives. Article 158(2) provides, however, that these products should be considered as being of those standards if they are accompanied by an attestation issued by the authorities of the country of origin and recognised as equivalent to the certificate required for the marketing of hops and hop products of Community origin.
- (3) Commission Regulation (EC) No 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products⁽⁵⁾ lays down very strict marketing requirements for hop products, and mixtures in particular. There is at the moment no effective method of checking at frontiers that these requirements are met. The only possible substitute for such a check is an undertaking on the part of the exporting countries to comply with the Community's marketing requirements for these products. It is therefore necessary to require that such products be accompanied by an attestation as specified in Article 158(2) of Regulation (EC) No 1234/2007.
- (4) In order to ensure that Community rules on the certification of hops are respected, Member States should carry out checks to verify whether imported hops conform to the minimum marketing requirements laid down by Regulation (EC) No 1850/2006.

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- (5) Certain third countries have undertaken to comply with the requirements prescribed for the marketing of hops and hop products and have authorised certain agencies to issue attestations of equivalence. These attestations should therefore be recognised as equivalent to Community certificates and the products covered by them admitted to free circulation.
- (6) It is the responsibility of the organisations concerned in those third countries to keep up to date the information contained in Annex I and to maintain close cooperation with the Commission by communicating to it the information concerned.
- (7) In order to facilitate control by the competent authorities of the Member States, it is essential to prescribe the form and, where necessary, the content of the attestation and the rules for its utilisation.
- (8) In order to take account of trade practices, the competent authorities must be empowered, if a consignment is resold or split up, to have prepared under their supervision an extract from the attestation in respect of each new consignment resulting from the splitting up.
- (9) By analogy with the Community's certification system, certain products should be exempt by virtue of their utilisation from the presentation of the attestations provided for in this Regulation.
- (10) The measures laid down in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

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- (1) OJ L 299, 16.11.2007, p. 1.
- (2) OJ L 367, 28.12.1978, p. 17.
- (3) OJ L 367, 28.12.1978, p. 28.
- (4) See Annex V.
- (5) OJ L 355, 15.12.2006, p. 72.

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